

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

DARLINGTON AMADASU,
Plaintiff,

v.

Case No. 1:01-cv-210

Judge Dlott
Magistrate Judge Black

**REPLY MEMORANDUM IN
SUPPORT OF TEXAS
DEFENDANTS' MOTIONS
TO STRIKE PLAINTIFF'S
CROSS-MOTION FOR
SUMMARY JUDGMENT**

JAMES R. DONOVAN, M.D. *et al.*,
Defendants

The Defendants, University of Texas Health Science Center at San Antonio ("UTHSC"), Claudia S. Miller, and Roger Perales (collectively, the "Texas Defendants") file this, their Reply Memorandum in Support of their Motions to Strike Plaintiff's Cross-Motion for Summary Judgment (Doc. 116). In his response to the Texas Defendants' motions to strike, the Plaintiff argues that he did not need to comply with the Court's scheduling order deadlines. (Doc. 125). He also contends that he complied with the Court's page-limit requirement. *Id.*

The Plaintiff argues that he did not need to comply with the Court's scheduling order, which gave March 31, 2005 as the deadline for all dispositive motions. (Doc. 61). The Plaintiff presents several equally invalid excuses for his tardiness – he filed his Cross Motion for Summary Judgment on June 1, 2005. (Doc. 106). The Plaintiff first argues that he did not have to comply because, in another case, he had previously been allowed to file an untimely dispositive motion. Although the judge in *Amadasu v. The Christ Hospital et al.*, No. C-1-01-284 found that it would serve the

“efficient administration of justice” to allow the Plaintiff to untimely file his motion, surely no similar efficiency would be served in the present case, where the docket stands at 130 pleadings and growing. The Plaintiff’s next contention is that the Defendants suffer no prejudice or harm by allowing him to submit an untimely dispositive motion. On the contrary, the Defendants suffer considerable prejudice by having to defend against dispositive motions that are filed more than two months after a court imposed deadline. Finally, the Plaintiff turns the tables and blames the Defendants for his untimely motion. Again, the Plaintiff raises a number of vague and unfounded allegations against the Texas Defendants and their attorney. Regardless of the merits or demerits of the Plaintiff’s allegations, the Plaintiff failed to seek an extension of time in which to file his dispositive motion. As a result, he cannot now claim that he did not have enough time or material to compose a proper summary judgment motion.

The Plaintiff also argues that he complied with the Court’s page limit requirement. Specifically, the Court’s scheduling order forbids the parties from submitting pleadings longer than 20 pages without first seeking leave. The Plaintiff claims that because his cross-motion was really four pleadings in one, he was permitted to submit up to 80 pages without leave of the Court. If one were to accept the Plaintiff’s understanding of the Court’s page limit requirement, then presumably one could submit an infinite number of pages to the Court so long as an appropriate number of titles were attached. This cannot be what the Court intended by imposing a 20 page limit on the parties.

For the above stated reasons, and those set out in the Texas Defendants’ motion, the Texas Defendants respectfully ask the Court to strike the Plaintiff’s cross motion for summary judgment.

Respectfully submitted,

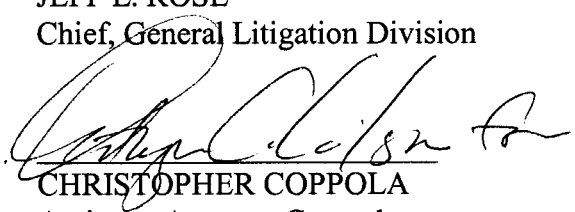
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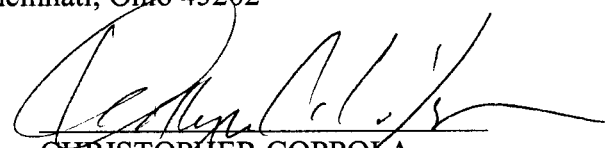
ATTORNEYS FOR TEXAS DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument has been served as indicated below on this 25th day of August, 2005, on:

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